



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

May 1, 2012

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To: Supervisor Zev Yaroslavsky, Chairman
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From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "WTF", is written over the printed name of William T. Fujioka.

SACRAMENTO UPDATE

This memorandum contains updates on County-advocacy legislation related to: 1) violations of underground excavation requirements; 2) the International Medical Graduate Pilot Program at the University of California, Los Angeles; 3) CalFresh eligibility; 4) extension of the sunset date for Laura's Law; 5) the California Workforce Investment Board; 6) sidewalk repairs; 7) services for homeless youth; and 8) amendments to the Flood Control Act related to the Los Angeles River; a status update on legislation of County interest related to child welfare services data collection and foster care services; and an overview of a report prepared by the California Department of Corrections Rehabilitation titled, *The Future of California Corrections*.

Status of County-Advocacy Legislation

County-opposed unless amended AB 1514 (B. Lowenthal), which as amended on April 10, 2012, would change existing law regarding penalties for violations of underground excavation requirements to: 1) add local agencies to those entities that may be subject to a civil penalty; 2) increase the maximum amount of civil penalties that may be assessed for negligent or knowing and willful excavation violations; and 3) specify that separate violations may be assessed as civil penalties. The bill also would authorize the California Public Utilities Commission (CPUC) to prescribe rules for public utilities that conduct subsurface operations and to provide information to the State Attorney General or local district attorney on matters involving excavation violations.

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The County's current position on AB 1514 is opposed-unless-amended to add language to clearly indicate that the CPUC does not have any jurisdiction over public entities. In addition, the Department of Public Works (DPW) recommends an additional amendment to delete or replace the words local agency with non-governmental agency. Therefore, the Sacramento advocates will continue to oppose AB 1514, unless amended as indicated above.

AB 1514 passed the Assembly Utilities and Commerce Committee, as amended, by a vote of 12 to 0 on April 23, 2012. The amendments have not been released by the Committee at this time. Once the amendments are in print, this office will provide an update. This measure is awaiting a hearing in the Assembly Appropriations Committee.

County-supported AB 1533 (Mitchell), which as amended on March 21, 2012, would establish the five-year University of California, Los Angeles (UCLA) International Medical Graduate Pilot Program to authorize graduates from foreign medical schools to receive up to 24 weeks of clinical instruction and provide hands-on patient care at UCLA-operated health care facilities and teaching sites, passed the Assembly Floor by a vote of 74 to 0 on April 26, 2012. This measure now proceeds to the Senate.

County-supported AB 1560 (Fuentes), which as introduced on January 30, 2012, would require the California Department of Social Services, to the extent permitted by Federal law, to waive the CalFresh Program gross income test for any individual who is categorically eligible for CalFresh and who is a member of a household that receives, or is eligible to receive, medical assistance under the Medi-Cal Program, was held in the Assembly Appropriations Committee's suspense file on April 25, 2012.

County-support and amend AB 1569 (Allen), which as amended on April 16, 2012, would extend the sunset date on Laura's Law to January 1, 2017, passed the Assembly Appropriations Committee by a vote of 16 to 0 on April 25, 2012. This measure now proceeds to the Assembly Floor.

County-supported AB 2214 (Monning), which as amended on March 27, 2012, would require the California Workforce Investment Board to establish the Health Workforce Development Council, was placed on the Assembly Appropriations Committee suspense file on April 25, 2012.

County-opposed AB 2231 (Fuentes), which would: 1) require a city, county, or city and county to repair any sidewalk out of repair or pending reconstruction, if that sidewalk is owned by the local entity or if the repairs are required as a result of damage caused by plants or trees; 2) provide that the local entity is liable for any injury resulting from the failure to repair a sidewalk; and 3) prohibit the local entity from imposing an

assessment for sidewalk repairs against the owner of private property fronting on any portion of a sidewalk, was amended on April 23, 2012. The Amendments removed the provisions holding a local entity liable for any injury resulting from the failure to repair a damaged or out of repair sidewalk from the bill.

According to the Department of Public Works, the amended language still imposes a State mandate and poses issues for the County. Specifically, the bill holds the County responsible for repairing sidewalks that have been damaged as a result of any tree or plant, including trees or plants on private property. Currently, property owners are required to address trees or plants that have caused damage to a public sidewalk, usually requiring pruning of the tree root or the complete removal of the tree. However, AB 2231 would make DPW responsible for all damage caused by trees or plants on private property and provides no recourse to the Department to require property owners to resolve the damage.

According to County Counsel, the amendments to AB 2231 removed the strict liability provisions from the bill, a change that is beneficial to the County. However, County Counsel and DPW continue to have concerns related to the increase in overall liability to the County. **Therefore, the Sacramento advocates will continue to oppose AB 2231.**

AB 2231 is pending a hearing in the Assembly Appropriations Committee.

County-supported AB 2547 (Blumenfield), which as introduced on February 24, 2012, would create, within the California Health and Human Services Agency, the Office of the Homeless Youth Advocate, passed the Assembly Human Services Committee by a vote of 5 to 0 on April 24, 2012. This measure now proceeds to the Assembly Appropriations Committee.

County-opposed SB 1201, which would amend the Flood Control Act to provide for increased public use of navigable waterways under the control of the Los Angeles County Flood Control District (LACFCD) deemed suitable for recreational and educational purposes, and would create a State-level Los Angeles River Interagency Access Council (Council) consisting of State and local entities that would be responsible for addressing public access to the Los Angeles River and designating areas of the river suitable for public use, was placed on the Senate Appropriations Committee suspense file on April 30, 2012.

Legislation of County Interest

AB 1697 (Perea), as originally introduced on February 15, 2012, was a spot bill relating to child abuse and neglect, and child death reviews. The bill made technical, non-substantive changes to current law, enacted under SB 39 (Chapter 468, Statutes of 2007). This measure was amended and it no longer relates to SB 39 of 2007.

As amended on March 29, 2012, AB 1697 would now require the California Department of Social Services to designate a separate data entry field in the Child Welfare Services Case Management System for a county welfare agency to record information on the reasons for placement of a child with a foster family agency or group home. The measure also would require county welfare agencies to file this information in the system when the placement is made.

AB 1697 passed the Assembly Human Services Committee by a vote of 6 to 0 on April 25, 2012, and now proceeds to the Assembly Appropriations Committee. This office is working the Department of Children and Family Services to determine potential impact of this measure on the County.

AB 1712 (Beall), which as amended on April 26, 2012, is an urgency measure which includes provisions to: 1) transfer the approval of Transitional Housing Placement (THP) Plus Foster Care providers, serving non-minor dependents (NMDs), from counties to the California Department of Social Services (CDSS) and add THP-Plus Foster Care as a State licensing category; 2) clarify issues concerning county of residence and inter-county transfers for NMDs; 3) clarify the effect on reunification plans when a minor becomes a NMD; 4) clarify eligibility and contingencies for Adoption Assistance Payments for NMDs who are adopted as adults; 5) clarify NMDs' access to services, including reunification services; and 6) clarify Kin-GAP and Adoption Assistance Program payments for non-minor former dependents, among other provisions.

AB 1712 passed the Assembly Human Services Committee by a vote of 5 to 0 on April 24, 2012, and now proceeds to the Assembly Appropriations Committee. The measure was amended in the Assembly Human Services Committee to include an urgency clause. As noted in the Committee's analysis, the urgency clause is necessary so that the transfer of the THP-Plus Foster Care program, described above, can be implemented quickly so that critical placements can be made available to youth and to avoid the numerous obstacles counties have in attempting to perform the approval.

As previously reported, AB 1712 is the vehicle for clean-up legislation to **County-support-in-concept AB 12** (Chapter 559, Statutes of 2010) and AB 212 (Chapter 459, Statutes of 2011), which extended Foster Care and Kinship Guardian Assistance

Program benefits to eligible youth up to 21 years of age, as provided in H.R. 6893, the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

This office will continue to work with DCFS and County Counsel to determine potential programmatic and fiscal impact to the County.

Report on Prison Reform

On April 23, 2012, the California Department of Corrections Rehabilitation (CDCR) released a report, *The Future of California Corrections*, calling it a blueprint for the future of the California prison system and a master plan to cut billions of dollars in prison costs, end Federal oversight of the prison healthcare system and ongoing litigation, and improve rehabilitative services offered to prisoners.

In May 2011, the United States Supreme Court upheld a lower court ruling that found overcrowding conditions in the California prison system prevented the provision of adequate levels of mental health and health care services to prison inmates, and ordered the State and CDCR to reduce the prison population by June 2013. As a result of the Supreme Court's decision, the Governor and the Legislature passed the 2011 Public Safety Realignment which included significant changes to sentencing laws and shifted the responsibility for the supervision and incarceration of large numbers of low-level offenders from the State to counties.

Since implementation of realignment on October 1, 2011, the State prison population has been reduced by approximately 22,000 inmates, which allowed CDCR the opportunity to develop a plan for reducing its budget and make significant changes to its operations. Key elements of this plan include modifications to its staffing model, inmate classification and prison gang management system, capacity needs, rehabilitative programming and provision of health and mental health care.

According to the report, the plan will reduce the CDCR's annual budget by \$1.5 billion. These budget savings will be achieved through a number of measures including: 1) a plan to return approximately 9,500 State prisoners held in out-of-State prisons by 2016; 2) the elimination of \$4.1 billion in revenue bond authority for construction projects; 3) reintroduction of a standardized staffing model; 4) the elimination of 6,400 positions; 5) full compliance with court-imposed health care requirements to end Federal oversight; and 6) the closure of the California Rehabilitation Center in Norco.

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Additionally, the report notes that CDCR will not meet the Supreme Court's deadline of June 2013 by which the Department needs to reduce the prison population to 137.5 percent capacity. CDCR estimates that it will be within 141 percent capacity by that date. To address the shortfall, CDCR proposes that the State request the Court to modify its population cap and the plan also calls for re-activating 1,225 beds at in-State Community Correctional Facilities.

A link to the full report follows: <http://www.cdcr.ca.gov/2012plan/index.html>

We will continue to keep you advised.

WTF:RA
MR:VE:IGEA:lm

c: All Department Heads
Legislative Strategist
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California Contract Cities Association
Independent Cities Association
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